

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

INNOVATIVE GLOBAL SYSTEMS LLC,

Plaintiff,

vs.

VOLVO CONSTRUCTION EQUIPMENT  
NORTH AMERICA, INC., VOLVO TRUCKS  
NORTH AMERICA, INC., KOMATSU  
AMERICA CORP., CATERPILLAR, INC.,  
HYUNDAI CONSTRUCTION EQUIPMENT  
AMERICAS, INC., TOPCON TIERRA,  
STARTRAK SYSTEMS, LLC, WIRELESS  
MATRIX USA, LLC, JLG INDUSTRIES  
INC., TYLER TECHNOLOGIES, INC.,  
GEOTAB, INC., and NAVISTAR, INC.,

Defendants.

CIVIL ACTION NO. 6:10-cv-00327-LED

**JURY TRIAL DEMANDED**

**PLAINTIFF'S RESPONSE TO THE COUNTERCLAIMS OF  
DEFENDANT TOPCON TIERRA**

Plaintiff INNOVATIVE GLOBAL SYSTEMS LLC (“Plaintiff”) responds to the counterclaims of Defendant TOPCON TIERRA (“Defendant”) filed August 31, 2010, as follows:

**COUNTERCLAIM**

**The Parties**

1. No response to Paragraph 1 is necessary.
2. Plaintiff admits the allegations in Paragraph 2, upon information and belief.
3. Plaintiff admits the allegations in Paragraph 3.

**Jurisdiction and Venue**

4. Plaintiff admits the allegations in Paragraph 4.

5. Plaintiff admits the allegations in Paragraph 5.
6. Plaintiff admits that venue is proper in this District. Except as so admitted, the allegations in Paragraph 6 are denied.
7. Plaintiff admits the allegations in Paragraph 7.

**First Claim for Relief**

**(Declaratory Judgment that Tierra has not Infringed the '554 Patent)**

8. Plaintiff incorporates Paragraphs 1-7 above.
9. Plaintiff denies the allegations in Paragraph 9.
10. Plaintiff admits the allegations in Paragraph 10.
11. Plaintiff denies the allegations in Paragraph 11.

**Second Claim for Relief**

**(Declaratory Judgment that Tierra has not Infringed the '203 Patent)**

12. Plaintiff incorporates Paragraphs 1-11 above.
13. Plaintiff denies the allegations in Paragraph 13.
14. Plaintiff admits the allegations in Paragraph 14.
15. Plaintiff denies the allegations in Paragraph 15.

**Third Claim for Relief**

**(Declaratory Judgment that Tierra has not Infringed the '352 Patent)**

16. Plaintiff incorporates Paragraphs 1-15 above.
17. Plaintiff denies the allegations in Paragraph 17.
18. Plaintiff admits the allegations in Paragraph 18.
19. Plaintiff denies the allegations in Paragraph 19.

**Fourth Claim for Relief**

**(Declaratory Judgment that Tierra has not Infringed the ‘800 Patent)**

20. Plaintiff incorporates Paragraphs 1-19 above.
21. Plaintiff denies the allegations in Paragraph 21.
22. Plaintiff admits the allegations in Paragraph 22.
23. Plaintiff denies the allegations in Paragraph 23.

**Fifth Claim for Relief**

**(Declaratory Judgment that Tierra has not Infringed the ‘993 Patent)**

24. Plaintiff incorporates Paragraphs 1-23 above.
25. Plaintiff denies the allegations in Paragraph 25.
26. Plaintiff admits the allegations in Paragraph 26.
27. Plaintiff denies the allegations in Paragraph 27.

**Sixth Claim for Relief**

**(Declaratory Judgment that the ‘554 Patent is Invalid)**

28. Plaintiff incorporates Paragraphs 1-27 above.
29. Plaintiff denies the allegations in Paragraph 29.
30. Plaintiff admits the allegations in Paragraph 30.
31. Plaintiff denies the allegations in Paragraph 31.

**Seventh Claim for Relief**

**(Declaratory Judgment that the ‘203 Patent is Invalid)**

32. Plaintiff incorporates Paragraphs 1-31 above.
33. Plaintiff denies the allegations in Paragraph 33.
34. Plaintiff admits the allegations in Paragraph 34.

35. Plaintiff denies the allegations in Paragraph 35.

**Eighth Claim for Relief**

**(Declaratory Judgment that the '352 Patent is Invalid)**

36. Plaintiff incorporates Paragraphs 1-35 above.

37. Plaintiff denies the allegations in Paragraph 37.

38. Plaintiff admits the allegations in Paragraph 38.

39. Plaintiff denies the allegations in Paragraph 39.

**Ninth Claim for Relief**

**(Declaratory Judgment that the '800 Patent is Invalid)**

40. Plaintiff incorporates Paragraphs 1-39 above.

41. Plaintiff denies the allegations in Paragraph 41.

42. Plaintiff admits the allegations in Paragraph 42.

43. Plaintiff denies the allegations in Paragraph 43.

**Tenth Claim for Relief**

**(Declaratory Judgment that the '993 Patent is Invalid)**

44. Plaintiff incorporates Paragraphs 1-43 above.

45. Plaintiff denies the allegations in Paragraph 45.

46. Plaintiff admits the allegations in Paragraph 46.

47. Plaintiff denies the allegations in Paragraph 47.

**REQUEST FOR RELIEF**

Although no answer is required to Defendant's request for relief, Plaintiff denies all allegations of Paragraphs A through G and further denies that any relief should be granted to Defendant.

Plaintiff demands a trial by jury on all matters raised by Defendant's counterclaims and by Plaintiff in its Original Complaint (and any supplements or amendments thereto).

**Dated: September 24, 2010.**

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF  
INNOVATIVE GLOBAL SYSTEMS, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of September, 2010, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Michael T. Cooke

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